



COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS

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CLERK OF THE BOARD  
OF SUPERVISORS

May 9, 2013

Ms. Teresa Zurita  
Senior Board Assistant  
Clerk of the Board of Supervisors  
1800 Pacific Highway, Room 402  
San Diego, CA 92101

RE: North County Joint Powers Authority's Conflict of Interest Code

Dear Ms. Zurita:

Enclosed please find a certified copy of Resolution 2013-02 as well as the Conflict of Interest Code for the newly formed North County Joint Powers Authority as adopted by its Board of Directors on May 1, 2013 to for the County's review, approval, and filing.

If you require additional information or have any questions, please feel free to contact me at (760) 728-1178 Ext. 129. Thank you in advance for your assistance with this matter.

Sincerely,

Dawn M. Washburn  
Executive Assistant  
On Behalf of the  
North County Joint Powers Authority

Enclosures

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: 6/19/13	Minute Order No: 24
By: Nancy Vignera	Date: 6/26/13
Deputy Clerk of the Board Supervisors	

**North County Joint Powers Authority  
Conflict of Interest**

**1.02.020.01** The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in any agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

**1.02.020.02** Therefore, the terms of 2 California Code of **Regulations Section 18730** and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating positions, and establishing disclosure requirements, shall constitute the conflict of interest code of the North County Joint Powers Authority.

**1.02.020.03** Individuals holding designated positions shall file their Statements of Economic Interest with the North County Joint Powers Authority, which will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Upon receipt of the statements for the designated positions, the original of these statements shall be forwarded to the County Board of Supervisors. Copies of all Statements of Economic Interest with the North County Joint Powers Authority will be maintained at the North County Joint Powers Authority records department.

**Appendix A**  
**North County Joint Powers Authority Conflict of Interest Code**

**Preamble**

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from the North County Joint Powers Authority's General Counsel (Gov. Code § 83114; 2 CCR § 18730(b)(11)). A person who acts in good faith in reliance on an opinion issued to him or her by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request (Gov. Code § 83114(a)).

Opinions rendered by General Counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on General Counsel's opinion as evidence of good faith. In addition, the North County Joint Powers Authority may consider whether such reliance should constitute a mitigating factor to any disciplinary action that the North County Joint Powers Authority may bring against the requesting party under Government Code section 91003.5.

**Part I - Designated Positions**

<u>Designated Employees</u>	<u>Categories Disclosed</u>
Members of the Board of Directors	All
Executive Director	All
General Counsel	All
Treasurer/Auditor/Controller	2
Assistant Treasurer/Auditor/Controller	2

## **Part II - Disclosure Categories**

### **Category 1.**

A designated employee or person in this category shall report all interests in real property, and investments in, and income from, business entities of the type to operate or provide any of the following:

- Accounting or auditing services
- Banks and savings and loans
- Computer hardware or software, or computer services or consultants
- Communications equipment or services
- Insurance brokers and agencies
- Insurance adjusting, claims auditing or administration, or underwriting services
- Office equipment or supplies
- Personnel and employment companies and services
- Printing or reproduction services, publications, and distribution
- Securities, investment or financial services companies
- Title insurance and escrow
- Construction supplies, service or equipment
- Engineering and surveying services
- Land development services

### **Category 2.**

A designated employee in this category shall disclose all business positions in, investments in and income from any business of the type to provide personnel, services, supplies, material, machinery, or equipment to the North County Joint Powers Authority and is associated with the job assignment or position of the designated employee or person.

**Appendix B**  
**Statement of Duties of Employees of**  
**the North County Joint Powers Authority**

Members of the Board of Directors

The Board of Directors acts as the North County Joint Powers Authority's governing body. Members of the Board of Directors formulate general policy and programs of the North County Joint Powers Authority, and each member of the Board of Directors therefore is designated.

Executive Director

Executive Director oversees the day-to-day operations of North County Joint Powers Authority. He or she participates in the formulation and implementation of the policies and programs of North County Joint Powers Authority and therefore is designated.

General Counsel

General Counsel, currently hired on a contract basis, advises the North County Joint Powers Authority on its day-to-day activities, including its relationships with the independent contractors who serve in a staff capacity to the North County Joint Powers Authority, and compliance with applicable laws and regulations. He or she participates in the formulation and implementation of the policies and programs of North County Joint Powers Authority and therefore is designated.

Treasurer/Auditor/Controller

An employee of the Rainbow Municipal Water District, the Treasurer/Auditor/Controller is the North County Joint Powers Authority's Chief Financial Officer and helps manage the finances of the North County Joint Powers Authority. The Treasurer/Auditor/Controller makes reports from time to time on the financial results of operations of the North County Joint Powers Authority, and recommends fiscal policies to the Board of Directors. The Treasurer/Auditor/Controller "manages public investments" within the meaning of applicable regulations. He or she therefore is designated.

Assistant Treasurer/Auditor/Controller

An employee of the Fallbrook Public Utility District, the Assistant Treasurer/Auditor/Controller is the North County Joint Powers Authority's Assistant Chief Financial Officer and helps manage the finances of the North County Joint Powers Authority. The Assistant Treasurer/Auditor/Controller makes reports from time to time on the financial results of operations of the North County Joint Powers Authority, and recommends fiscal policies to the Board of Directors. The Assistant Treasurer/Auditor/Controller "manages public investments" within the meaning of applicable regulations. He or she therefore is designated.

Auditor

North County Joint Powers Authority may contract with one or more accounting firms to handle financial audits of North County Joint Powers Authority's finances and investments. These firms implement decisions of the North County Joint Powers Authority's Board of Directors. Because these auditors' duties are restricted in the manner described herein, they do not participate in the formulation and implementation of the policies and programs of North County Joint Powers Authority, and also do not "manage public investments" within the meaning of applicable regulations. Therefore, designation is not required.

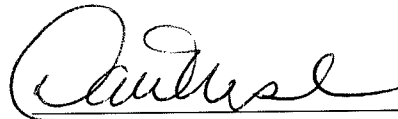
SECRETARY'S CERTIFICATE

I, Dawn Washburn, Executive Assistant, on behalf of the North County Joint Powers Authority, hereby certify as follows:

The attached is a full, true and correct copy of Resolution No. 2013-02 adopted at a meeting of the Board of Directors of the North County Joint Powers Authority on May 1, 2013.

The resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Executed on this 9<sup>th</sup> day of May, 2013, in the County of San Diego, California.

A handwritten signature in cursive script, appearing to read 'Dawn Washburn', written over a horizontal line.

Dawn Washburn, Executive Assistant  
on Behalf of the North County Joint  
Powers Authority

**RESOLUTION NO. 2013-02**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NORTH COUNTY JOINT POWERS AUTHORITY  
ADOPTING A CONFLICT OF INTEREST CODE**

\* \* \* \* \*

**WHEREAS**, Section 8.5 of the Joint Exercise of Powers Agreement of the North County Joint Powers Authority (Authority) requires the Authority to adopt a conflict of interest code by resolution; and

**WHEREAS**, it has been recommended that the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are incorporated by reference; and

**WHEREAS**, the individuals holding designated positions shall file their Statement of Economic Interest with the North County Joint Powers Authority; upon receipt, the Authority shall forward the original Statements of Economic Interest to the San Diego County Board of Supervisors. Copies will be maintained at the Authority's records department.

**NOW, THEREFORE** be it resolved:

1. The North County Joint Powers Authority proposed Conflict of Interest Code is approved and adopted.

2. The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are incorporated by reference.

3. The original Statements of Economic Interest for designated positions shall be forwarded to the San Diego County Board of Supervisors. Copies shall be maintained in the records department of the North County Joint Powers Authority.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the Board of Directors of the North County Joint Powers Authority held on the 1st day of May, 2013, by the following vote:

<b>AYES:</b>	Brazier, Davies, Gebhart, Lucy, McDougal, Sanford, Wolk
<b>NOES:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

  
\_\_\_\_\_  
Chair, Board of Directors  
North County Joint Powers Authority

**ATTEST:**

  
\_\_\_\_\_  
Secretary, Board of Directors  
North County Joint Powers Authority